

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DELTA COATINGS, LLC,)	
)	
Plaintiff,)	Civil Action No. 17-69 Erie
)	
v.)	
)	
DONJON SHIPBUILDING & REPAIR,)	District Judge Susan Paradise Baxter
LLC,)	Magistrate Judge Richard A. Lanzillo
)	
)	
Defendant.)	

ORDER OF COURT

Pending before the Court is Defendant Donjon Shipbuilding and Repair, LLC’s (“Donjon”) Motion for Summary Judgment, “Statement of Facts Not In Dispute,” and Memorandum of Law. ECF Nos. 41, 41-2, 41-3. Plaintiff Delta Coatings, LLC (“Delta”) has filed a Response in Opposition (ECF No. 44) which includes a “Statement of Material Facts in Dispute and Unresolved by Pending Motion” (ECF No. 44-2) (“Delta’s Statement of Facts”). However, the numbered paragraphs of Delta’s Statement of Facts do not respond specifically to the corresponding paragraphs of Donjon’s Concise Statement. Instead, Delta’s Statement of Facts offers its factual positions disconnected from the factual assertions of Donjon and without reference to the paragraphs of Donjon’s Concise Statement. As such, Delta’s Statement of Facts fails to comply with LCvR 56(C)(1), which requires the party opposing a motion for summary judgment to file a “separately filed concise statement, which responds to each numbered paragraph in the moving party’s Concise Statement of Materials Facts . . . by admitting or

denying whether each fact . . . is disputed and/or material; setting forth the basis for the denial if any fact . . . is not admitted in its entirety . . . with appropriate reference to the record . . . ; and setting forth in separately numbered paragraphs any other material facts that are allegedly at issue, and that the opposing party asserts are necessary for the Court to determine the motion for summary judgment.” LCvR 56(C)(1).

The purpose of the Concise Statement and Responsive Concise Statement is to allow the Court to identify the material facts that remain in dispute, if any. Delta’s failure to comply with LCvR 56(C)(1) frustrates this purpose.

While the local rule would permit the Court to deem admitted all paragraphs of Donjon’s Concise Statement to which Delta has not properly responded, the Court instead hereby orders Delta to file a Responsive Concise Statement that complies with LCvR 56(C)(1) within seven (7) days of the date of this Order. To the extent Delta raises any additional factual matters not previously addressed by Donjon, Donjon may file a responsive concise statement limited to those additional facts with seven (7) days of Delta’s submission.

IT IS SO ORDERED.

/s/ Richard A. Lanzillo
RICHARD A. LANZILLO
United States Magistrate Judge

Dated: November 9, 2018